

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAY 22 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

JEFFREY D. ZEIDMAN,)	2 CA-IC 2012-0016
)	DEPARTMENT A
Petitioner Employee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 28, Rules of Civil
THE INDUSTRIAL COMMISSION OF)	Appellate Procedure
ARIZONA,)	
)	
Respondent,)	
)	
PRUDENTIAL OVERALL SUPPLY,)	
)	
Respondent Employer,)	
)	
TRISTAR RISK MANAGEMENT,)	
)	
Respondent Insurer.)	

SPECIAL ACTION - INDUSTRIAL COMMISSION

ICA Claim No. 20120580483

Insurer No. 12464228

Gary M. Israel, Administrative Law Judge

AWARD AFFIRMED

Jeffrey D. Zeidman

Tucson
In Propria Persona

The Industrial Commission of Arizona
By Andrew F. Wade

Phoenix
Attorney for Respondent

H O W A R D, Chief Judge.

¶1 In this statutory special action, petitioner Jeffrey Zeidman challenges the administrative law judge's (ALJ) dismissal of his request for review and request for a hearing. Because Zeidman has not challenged the basis of the ALJ's ruling, we affirm.

Factual and Procedural Background

¶2 The record reflects the following procedural history. In December 2011, Zeidman reported his allegedly work-related injury to his employer, Prudential Overall Supply, and its carrier, TRISTAR Risk Management (collectively "Prudential"). Prudential denied his claim in April 2012. Zeidman filed a request for hearing in May 2012. After multiple attempts by Prudential to get Zeidman to comply with the discovery process, it twice moved for dismissal of Zeidman's request. The ALJ granted the second motion and dismissed the request for hearing. Zeidman requested review of that decision, which the ALJ dismissed as untimely or, in the alternative, affirmed the original decision as supported by the law and the evidence. Zeidman now requests special action relief. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(2) and 23-951(A).

Discussion

¶3 Zeidman argues the ALJ wrongly denied his request for a hearing. Even though Zeidman is a nonlawyer representing himself, he is held to the same standards as

a qualified attorney. *See Old Pueblo Plastic Surgery, P.C. v. Fields*, 146 Ariz. 178, 179, 704 P.2d 819, 820 (App. 1985). Zeidman fails to challenge the basis of the ALJ's decision and has therefore waived any argument against upholding it. *See Ariz. R. Civ. App. P. 13(a)(6)* ("An argument . . . shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on."); *Ariz. R. P. Spec. Actions 10(k)* (Arizona Rules of Civil Appellate Procedure apply to special action review of Industrial Commission awards); *Polanco v. Indus. Comm'n*, 214 Ariz. 489, n.2, 154 P.3d 391, 393 n.2 (App. 2007) (appellant's failure to develop and support argument waives issue on appeal).

¶4 Moreover, Zeidman's opening brief does not comply in any meaningful way with Rule 13, *Ariz. R. Civ. App. P.* The brief contains virtually no assertions of legally relevant facts or arguments. It lacks appropriate references to the record or argument with citations to authorities. It does not state the basis of this court's jurisdiction or articulate the proper standard of review. Because Zeidman has failed to comply with the applicable rules and has waived any argument against the ruling, we summarily affirm the ALJ's decision. *See Ariz. R. Civ. App. P. 13(a)(6)*; *In re \$26,980.00 U.S. Currency*, 199 Ariz. 291, ¶ 28, 18 P.3d 85, 93 (App. 2000) (court does not consider bare assertion offered without elaboration or citation to legal authority); *Polanco*, 214 Ariz. 489, n.2, 154 P.3d at 393 n.2.

Conclusion

¶5 For the foregoing reasons, we affirm the ALJ's decision.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ Michael Miller
MICHAEL MILLER, Judge